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Remarks

Claims 1–19 were pending in this application.

Claims 1–9, 11, and 12 were allowed.

Claims 10 and 13–15, and 17–19 were rejected under 35 U.S.C. § 112, ¶ 2.

Claims 13–17 were rejected under 35 U.S.C. § 102(b).

Applicant has read and considered the comments by the examiner, and respectfully requests reconsideration and allowance of claims 10, 13–15 and 18, as amended.

In addition, Applicant has added new claims 20–32, for which Applicant respectfully requests allowance.

Rejection of Claims 10, 13 and 18 under 35 U.S.C. § 112, ¶ 2

Claims 10, 13 and 18 were rejected under 35 U.S.C. § 112, ¶ 2 as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The rejection of these claims on this basis was due to a perceived lack of clarity of the structural language that supports the specified functional phrases.

Applicant has amended claims 10, 13, and 18 to further clarify the claims and remove any functional phrases that may not have been supported by structural language. The amendments to the claims were made to simply clarify what had been in the claims as originally worded and therefore are not narrowing amendments that would create any type of prosecution history estoppel. It is believed that the grounds for any rejection of these claims under 35 U.S.C. § 112, ¶ 2 have been removed. As claims 10 and 18 were rejected solely under 35 U.S.C. § 112, ¶ 2, they should now be allowed. Claim 13 should no longer be rejected under 35 U.S.C. § 112, ¶ 2.

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Rejection of Claim 13 under 35 U.S.C. 102(b)

Claim 13 was rejected under 35 U.S.C. § 102(b) as being anticipated by Vaccaro *et al*, (U.S. Patent No. 2,814,229). Applicant respectfully traverses a rejection on this basis.

1. Vaccaro discloses an instrument of a size substantially midway between that of a violin and viola, the distance between nut and bridge of such instrument thus being between that of a violin and viola. In contrast, Applicant's claim 13 discloses an instrument wherein the distance between nut and bridge is greater than that of a viola.

2. Vaccaro discloses a string instrument having a traditional unit of peg box and scroll, the nut thus not being close to the first end of the instrument body. In contrast, Applicant's Figure 1 shows nut 22 close to first end 14. A violin's traditional unit of peg box and scroll prevents a playing position on a seated person's anatomical median plane while having the nut positioned close to that person's chest.

3. Figure 1 by Vaccaro does not disclose a stringed instrument (being) positioned on a person's anatomical median plane; the instrument clearly extends beyond the neck of the musician.

Thus, Vaccaro does not disclose the invention set forth in claim 13. Accordingly, the rejection of claim 13 under 35 U.S.C. § 102(b) should be removed. Thus, in view of the amendment to claim 13 to remove the examiner's rejection under 35 U.S.C. § 112, ¶ 2, claim 13 should now be allowable.

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Rejection of Claims 14, 15 under 35 U.S.C. 102(b)

Claims 14 and 15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Novak, (U.S. Patent No. 4,852,450). Applicant has made claims narrower and therefore respectfully requests allowance.

1. Novak discloses a stringed instrument having straight frets which are aligned in a non-parallel pattern relative to one another to provide each string with a different scale length.

Applicant has limited claims 14 and 15 to only include non-fretted string instruments.

2. Applicant's invention solves a problem different than that disclosed by Novak:

Whereas Novak's main objective, to provide a set of strings of different scale length, results in an altered fingerboard topology, Applicant's main objective is just the very altered fingerboard topology, which can result, only in certain embodiments, in a set of strings of different scale length. Applicant's Figures 11A and 12B, for example, disclose instruments with non-traditional nut-bridge orientation and thus altered fingerboard topology, each string's scale length remaining unchanged.

3. An unexpected, further advantage of Applicant's invention, in particular for bowed string instruments, is the alignment of known points of contact as a result of the non-traditional bridge orientation. Novak does not disclose this advantage and thus excludes string instruments that have a parallel nut-bridge constellation. Applicant's invention discloses an example of such instrument in Figure 11A, showing a violin/viola having a non-traditional nut-bridge orientation wherein nut is parallel to bridge.

Thus, in view of the amendment to claims 14 and 15 to remove the examiner's rejection under 35 U.S.C. § 112, ¶ 2, narrower claims 14 and 15 should now be allowable.

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New Claims 20-32

New claims 20, 23, and 31 are similar to allowed claims 1, 4, and 12, respectively, but do not include "means plus function" elements. New claims 21 and 22 are dependent upon new claim 20, and are therefore narrower than claim 20. New claims 24-28 are dependent upon new claim 23, and are therefore narrower than claim 23.

New claim 29 is similar to allowed claim 11, but does not include "means plus function" elements. Claim 29 is also narrower than claim 11. Claim 30 is dependent upon new claim 29 and is therefore narrower than claim 29.

New claim 32 is related to claims 14 and 15 having both nut and bridge positioned non-perpendicular to the longitudinal axis of the fingerboard. Having nut and bridge parallel to each other, thus having strings of equal scale length, is clearly distinguishable over prior art. Thus, while claims 14 and 15 are limited to non-fretted instruments, claim 30 does not constitute such a limitation. Applicant's Figures 11A and 12B, for example, disclose instruments with non-traditional nut-bridge orientation and thus altered fingerboard topology, each string's scale length remaining unchanged.

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Conclusion

In view of the foregoing amendments and remarks, as well as the previous allowance of claims 1-9, 11, and 12, it is respectfully submitted that all of the claims now pending in the application meet the requirements of 35 U.S.C. § 112, ¶ 2 and are drawn to novel subject matter, patentably distinguishable over the prior art of record, and the application is in condition for allowance. The examiner is therefore respectfully requested to reconsider and allow the claims presented for reconsideration herein.

The present amendment adds 4 additional independent claims and results in a total number of claims that is 9 claims over the 20 claims covered by the original fee. An additional fee of \$850.00 is enclosed, computed as follows:

Additional independent claims		Fee (small entity)		
4	X	\$100.00	=	\$400.00
Total claims in excess of 20		Fee (small entity)		
9	X	\$25.00	=	\$225.00
Fee for the two months extension		(small entity)		\$225.00
TOTAL				\$850.00

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Conditional Request for Constructive Assistance

Should the examiner deem that any further amendment is desirable to place this application in condition for allowance, Applicant respectfully requests the constructive assistance and suggestions of the examiner pursuant to M.P.E.P. § 2173.02 and § 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Date: August 18, 2005

Respectfully submitted,



Thomas H. Schroeder
(Applicant Pro Se)

875 West Lucas
Beaumont, Texas 77706
Telephone: (409) 896-5054

Certificate of Facsimile Transmission

I certify that on the date below I will fax this communication, and any attachments if, to Group Art Unit 2837 of the Patent and Trademark Office at the following number: 571 273 8300

Date: August 18, 2005

Inventor's Signature:

